

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
PROPOSED REGULATORY LANGUAGE

Underlined text is proposed new language.

Article 7. Continuing Competency Requirements

§ 4160. Definitions

For the purpose of this section:

- (a) “Professional development” is defined as an activity (except participation in a course of study leading to an entry level academic degree or normal and routine employment responsibilities) engaged in subsequent to professional education, primarily concerned with maintaining and increasing the occupational therapy practitioner’s knowledge, skill and ability.
- (b) “Level II occupational therapy students” are those participating in the fieldwork requirements of the entry-level academic degree program.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.

Reference: Section 2570.10, Business and Professions Code.

§ 4161. Continuing Competency – Professional Development

- (a) Each occupational therapy practitioner renewing a license or certificate under Section 2570.10 of the Code shall submit proof of continuing competency by having completed, during the preceding renewal period, twelve (12) professional development units (PDUs) acquired through participation in professional development activities.
  - (1) Fifty minutes of participation in a professional development activity qualifies for one PDU;
  - (2) One academic credit equals 10 PDUs;
  - (3) One Continuing Education Unit equals 10 PDUs.
- (b) Professional development activities acceptable to the board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; coursework completed through any approved or accredited degree program (not a part of the course of study leading to an academic degree); or which otherwise meet all of the following criteria:
  - (1) The program or activity contributes directly to professional knowledge, skill, and ability;
  - (2) The program or activity relates directly to the practice of occupational therapy; and
  - (3) The program or activity must be objectively measurable in terms of the hours involved.
- (c) PDUs may also be obtained through any or a combination of the following:
  - (1) Involvement in structured special interest and study groups where there is a minimum of three participants. For each three hours of participation, the practitioner may receive one PDU.

- (2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner may receive one PDU.
- (3) Structured mentoring of a colleague to improve his/her skills. For each 20 hours of mentoring, the practitioner may receive three PDUs.
- (4) Supervising the fieldwork of Level II occupational therapy students. For each 240 hours of supervision, the practitioner may receive two PDUs.
- (5) Writing articles for non-peer reviewed publication. For each article the practitioner may receive 5 PDUs.
- (6) Writing articles in peer-reviewed professional publication. For each article the practitioner may receive 10 PDUs.
- (7) Publication of chapter(s) in occupational therapy or related professional textbook. For each chapter, the practitioner may receive 10 PDUs.
- (8) Making professional presentations at state or national workshops, seminars and conferences. For each hour, the practitioner may receive two PDUs.
- (d) This section shall not apply to the first license or certificate renewal following issuance of the initial license or certificate.
- (e) Of the 12 PDUs required for each renewal period, a minimum of six units must be directly related to the delivery of occupational therapy services.
  - (1) The delivery of occupational therapy services may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.

Reference: Section 2570.10, Business and Professions Code.

#### § 4162. Completion and Reporting Requirements

- (a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:
  - (1) the date each course or activity was completed;
  - (2) the provider, course number, and course title, if applicable;
  - (3) a description of the course; and
  - (4) the total number of PDUs.
- (b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four years following the renewal period.
- (c) A maximum of three PDUs in excess of the required 12 PDUs may be carried over to the next renewal cycle.
- (d) Any occupational therapy practitioner who is unable to provide records documenting completion of the continuing competency requirements is subject to citation and/or administrative fine or disciplinary action.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.

Reference: Section 2570.10.

#### § 4163. Exemption from Continued Competency Requirements

- (a) At the time of applying for renewal of a license or certificate, an occupational therapy practitioner may request an exemption from the continuing competency requirements. The renewal application must provide the following information:
- (1) Evidence that during the renewal period prior to the expiration of the license or certificate, the practitioner was residing in another country for one year or longer, reasonably preventing completion of the continuing competency requirements; or
  - (2) Evidence that the practitioner was absent from California because of military or missionary service for a period of one year or longer during the renewal period, preventing completion of the continuing competency requirements; or
  - (3) Evidence that the practitioner should be exempt from the continuing competency requirements for reasons of health or other good cause which include:
    - (A) Total physical and/or mental disability for one year or more during the renewal period and the ability to return to work has been verified by a licensed physician and surgeon or licensed clinical psychologist; or
    - (B) Total physical and/or mental disability for one year or longer of an immediate family member for whom the practitioner had total responsibility, as verified by a licensed physician and surgeon or licensed clinical psychologist.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.

Reference: Sections 2570.10 and 2570.11, Business and Professions Code. Sections 4120, 4122 and 4130, California Code of Regulations.

#### Article 9. Supervision of Occupational Therapy Assistants, Limited Permit Holders, Students, and Aides

#### § 4180. Definitions

In addition to the definitions found in Business and Professions Code sections 2570.2 and 2570.3 the following terms are used and defined herein:

- (a) “Client related tasks” means tasks performed as part of occupational therapy services rendered directly to the client.
- (b) “Level I student” means a person who has not completed the didactic requirements of their occupational therapy degree program.
- (c) “Level II student” means a person completing the fieldwork requirements of their occupational therapy degree program.
- (d) “Non-client related tasks” means clerical, secretarial and administrative activities; transportation of patients/clients; preparation or maintenance of treatment equipment and work area; taking care of patient/client personal needs during treatments; and assisting in the construction of adaptive equipment and splints.
- (e) “Periodic” means at least once every 30 days.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.  
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

§ 4181. Supervision Parameters

- (a) Appropriate supervision of an occupational therapy assistant includes, at a minimum:
  - (1) The weekly review and inspection of all aspects of occupational therapy services by the supervising occupational therapist.
  - (2) Documentation of the supervision process shall include documentation of the client's care or co-signature by the supervising occupational therapist of the occupational therapy assistant's documentation.
  - (3) The supervising occupational therapist shall be readily available in person or by telecommunication to the occupational therapy assistant at all times while the occupational therapy assistant is providing occupational therapy services. The supervising occupational therapist shall provide periodic on-site supervision and observation of the assigned client care rendered by the occupational therapy assistant.
- (b) The supervising occupational therapist shall at all times be responsible for all occupational therapy services provided by an occupational therapy assistant, a limited permit holder, a student or an aide. The supervising occupational therapist has continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the occupational therapy assistant, limited permit holder, student, or aide do not function autonomously.
- (c) The level of supervision for all personnel is determined by the supervising occupational therapist whose responsibility it is to ensure that the amount, degree, and pattern of supervision are consistent with the knowledge, skill and ability of the person being supervised.
- (d) Occupational therapy assistants may supervise:
  - (1) Occupational therapy assistant permit holders;
  - (2) Level I occupational therapy students;
  - (3) Level I and Level II occupational therapy assistant students; and
  - (4) Aides providing non-client related tasks.
- (e) The supervising occupational therapist shall determine that the occupational therapy assistant or limited permit holder possesses a current certificate or permit to practice occupational therapy prior to allowing the person to provide occupational therapy services.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.  
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

§ 4182. Treatments Performed by Occupational Therapy Assistants

- (a) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:
  - (1) the clinical complexity of the patient/client;

- (2) skill level of the occupational therapy assistant in the treatment technique and;
- (3) whether continual reassessment of the patient/client status is needed during treatment.  
This rule shall not preclude the occupational therapy assistant from responding to acute changes in the client's condition that warrant immediate action.
- (b) The supervising occupational therapist shall assume responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided:
  - (1) Interpretation of referrals or prescriptions for occupational therapy services.
  - (2) Interpretation and analysis for evaluation purposes.
    - (A) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.
  - (3) Development, interpretation, implementation, and modifications of the treatment plan and the discharge plan.
    - (A) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant.
    - (B) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

#### § 4183. Treatments Performed by Occupational Therapy Limited Permit Holders and Students

- (a) Consistent with Code section 2570.4, subdivisions (b) and (c), a Level II student may, at the discretion of the supervising occupational therapy practitioner, be assigned duties or functions commensurate with his or her education and training.
- (b) All documented client-related services shall be reviewed and cosigned by the supervising occupational therapist.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

#### § 4184. Delegation of Tasks to Aides

- (a) The primary function of an aide in an occupational therapy setting is to perform routine tasks related to occupational therapy services. Non-client related tasks may be delegated to an aide when the supervising occupational therapy practitioner has determined that the person has been appropriately trained and has supportive documentation for the performance of the services.
- (b) Client-related tasks that may be delegated to an aide include specifically selected routine aspects of an intervention session. In addition to the requirements of Code section 2570.2, subdivisions (a) and (b), the following factors must be present when an occupational therapist delegates a selected aspect of an intervention to an aide:

- (1) The outcome anticipated for the aspects of the intervention session being delegated is predictable.
- (2) The situation of the client and the environment is stable and will not require that judgement or adaptations be made by the aide.
- (3) The client has demonstrated previous performance ability in executing the task.
- (4) The task routine and process have been clearly demonstrated.
- (c) The supervising occupational therapist shall **not** delegate to an aide the following tasks:
  - (1) Performance of occupational therapy evaluative procedures;
  - (2) Initiation, planning, adjustment, or modification of treatment procedures.
  - (3) Acting on behalf of the occupational therapist in any matter related to occupational therapy treatment that requires decision making.
  - (4) Using physical agent modalities.
- (d) All documented client-related services shall be reviewed and cosigned by the supervising occupational therapist.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.4 and 2570.13, Business and Professions Code.